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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/825,574

04/15/2004

Kurt Brooks Uhler

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NAVTEQ NORTH AMERICA, LLC
425 West RANDOLPH STREET
SUITE 1200, PATENT DEPT
CHICAGO, IL 60606

EXAMINER

HU, KANG

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

05/14/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/825,574	Applicant(s) UHLIR ET AL.	
	Examiner KANG HU	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-8, 11-14, 17-19, 23 and 36-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-8, 11-14, 17-19, 23, 36-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Present office action is in response to amendment filed 1/22/2008. Claims 1, 9, 10, 15, 16, 20-22, 24-35 have been cancelled. Claims 36-38 has been added. Currently claims 2-8, 11-14, 17-19, 23, 36-38 are pending in the application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2-8, 11-14, 17-19, 23, 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fry (US 6,463,385) in view of Khosla (US 6,080,063) in view of examiner's official notice.

Re claims 36-38, as previously indicated in office action 10/17/2007, Fry teaches a method for facilitating a first performance by a participant in an event that includes movement along a first course located in a first geographic area, the method comprising: using a geographic database that contains data that represents geographic features in the first geographic area to compare the geographic features of the first course to the geographic features of a second course located in a second geographic area different from the first geographic area; Fry teaches that the invention improves upon the prior art (bicycle computers used to store, monitor and compare present, past and ideal performance on a bicycle) by providing an integrated global satellite positioning

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receiver and computer interfacing capability, enabling functional and/or performance characteristics to be tracked and analyzed as a function of geographical position and/or elevation (between first and second course). Additionally in a cycling application, in addition to sensors for vehicle speed and cadence, the invention further includes sensors for heart rate, and weather conditions such as temperature and wind speed/direction (col 2, 45:60). Comparing the first performance to a second performance, wherein the second performance is along the second course; and providing an indication of the comparing of the first and second performances to the participant. Fry does not explicitly disclose of using a geographic database and the ability to providing an indication of the comparing of the first and second performances to the participant. Such geographical database is well-known and obvious in the use of comparing map data collected on multiple geographical locations. As stated in Fry, "preferably, map data may also be stored enabling the collected data to be viewed relative to the map information, for example, in superposition". The map data collected and map information superposed upon would have to be stored in such geographical database. Fry further teaches storing a set of performance data in memory, which can then be compared against a stored, user selected performance data. Comparisons among the various data sets may then be displayed, Fry doesn't explicitly teach of providing an indication of the comparison. Khosla teaches the system that allows persons located remotely from a live event, such as an auto race, to simulate participation in the live event, where such an indication is provided. It would have been obvious that such an indication would be provided in comparing performance data.

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Claims 2-8, 11-14, 17-19, 23 have been previously addressed in office action dated 10/17/2007 and will not be repeated herein.

Response to Arguments

4. Applicant's arguments filed 1/22/2008 have been fully considered but they are not persuasive.

Re applicant's argument that the combination of Fry and Khosla does not disclose of using a geographic database, it has been addressed above, even though neither Fry nor Khosla explicitly recite the use of geographic database, it would have been well-known and obvious to one of ordinary skill in the art that when the data is stored, it would have automatically been formatted in a database format and stored in a database for comparison between other data sets available to the user.

Re applicant's argument that Fry does not compare the "geographic features" of "courses" located in different "geographic areas". It is stated above that such geographical database as claimed by the applicant are essential to any large amounts of data comparison. Geographic features are interpreted as coordinates, elevation in view of applicant's specification.

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the

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individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KANG HU whose telephone number is (571)270-1344. The examiner can normally be reached on 8-5 (Mon-Thu).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kang Hu/
Examiner, Art Unit 3714

/Ronald Laneau/
Supervisory Patent Examiner, Art Unit 3714
05/12/08